

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 20**

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GOOGLE, LLC and ALPHABET INC., a single employer,

Respondents,

and

**(b) (6), (b) (7)(C)** an Individual,

Case Nos.: 20-CA-252802

Charging Party,

and

**(b) (6), (b) (7)(C)** an Individual,

20-CA-252902

Charging Party,

and

COMMUNICATION WORKERS OF AMERICA, AFL-CIO,

20-CA-252957

20-CA-253105

Charging Party,

20-CA-253464

and

**(b) (6), (b) (7)(C)** an Individual,

20-CA-253982

Charging Party.

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**ANSWER TO AMENDED COMPLAINT**

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Google, LLC and Alphabet, Inc. (collectively “Respondents”), answer the allegations in the Amended Complaint (“Amended Complaint”) dated February 11, 2021, and assert their Affirmative Defenses, as follows:

1. In answering paragraph 1 of the Amended Complaint:
  - (a) Admit;
  - (b) Admit;
  - (c) Admit;

- (d) Admit;
  - (e) Admit;
  - (f) Admit;
  - (g) Admit;
  - (h) Admit;
  - (i) Admit.
2. In answering paragraph 2 of the Amended Complaint:
- (a) Admit;
  - (b) Admit;
  - (c) Admit.
3. In answering paragraph 3 of the Amended Complaint:
- (a) Admit;
  - (b) Admit;
  - (c) Admit.
4. In answering paragraph 4 of the Amended Complaint:
- (a) Admit that, for the purposes of this Amended Complaint, Respondents are a single employer. Except as expressly admitted, deny;
  - (b) Admit that, for the purposes of this Amended Complaint, Respondents are a single employer. Except as expressly admitted, deny.
5. Admit.

6. (a) In answering paragraph 6(a) of the Consolidated Complaint:
- (i) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C);
  - (ii) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C);
  - (iii) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C);
  - (iv) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C);
  - (v) Deny that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, holding a job title of (b) (6), (b) (7)(C);
  - (vi) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C);
  - (vii) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C).

(b) In answering paragraph 6(b) of the Consolidated Complaint:

- (i) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (ii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (iii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (iv) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (v) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (vi) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (vii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;

- (viii) Admit that (b) (6), (b) (7)(C) (misspelled in the Amended Complaint as (b) (6), (b) (7)(C)) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C);
- (ix) Admit that Unnamed Agent # 1 was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C); and
- (x) Admit that Unnamed Agent # 2 was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C).

7. Deny.

8. Deny.

9. Admit that on or about November 13, 2019, (b) (6), (b) (7)(C) asked an employee questions about “access of employees’ calendars and MemeGen Takedown Documents.” Except as expressly admitted, deny.

10. Deny.

11. In answering paragraph 11 of the Amended Complaint:

- (a) Admit;
- (b) Deny.

12. In answering paragraph 12 of the Amended Complaint:

- (a) Deny;
- (b) Deny.

13. In answering paragraph 13 of the Amended Complaint, Respondents state that:

- (a) Deny;
- (b) Deny.

14. In answering paragraph 14 of the Amended Complaint, Respondents state that:

- (a) Deny;
- (b) Admit (b) (6), (b) (7)(C) “accessed employee accessible calendars.” Further admit (b) (6), (b) (7)(C) accessed “documents regarding the MemeGen Takedown Process.” Except as expressly admitted, deny;
- (c) Admit (b) (6), (b) (7)(C) was “placed on administrative leave.” Except as expressly admitted, deny;
- (d) Admit (b) (6), (b) (7)(C) was “placed on administrative leave.” Except as expressly admitted, deny;
- (e) Admit;
- (f) Deny.

15. In answering paragraph 15 of the Amended Complaint, Respondents state that:

- (a) Admit (b) (6), (b) (7)(C) wrote “code for a pop-up featuring an NLRB Notice from Case 32-CA-176462 that would automatically appear when an employee visited Respondent’s Community Guidelines and other web pages.” Except as expressly admitted, deny;
- (b) Admit;
- (c) Admit;
- (d) Admit;
- (e) Admit;
- (f) Admit;

- (g) Admit;
  - (h) Admit “Respondent counseled (b) (6), (b) (7)(C) and placed (b) (6), (b) (7)(C) on a 6-month monitoring of (b) (6), (b) (7)(C) readability and LGTM reviews.” Deny this occurred on or about (b) (6), (b) (7)(C) 20189;
  - (i) Admit;
  - (j) Deny;
  - (k) Deny.
16. Deny.
17. Deny.

#### **AFFIRMATIVE DEFENSES**

1. The conduct alleged in the Amended Complaint was not protected by the Act and, even if it was, the conduct lost any protection it might have otherwise had under the Act.
2. The discipline alleged in the Amended Complaint was warranted by violations of Respondents’ policies, such as Google’s Code of Conduct and Standards of Conduct policies, the validity of which are not at issue.
3. Respondents acted lawfully to maintain a work environment that is free of unlawful discrimination, harassment and bias.
4. Respondents deny any discipline alleged in the Amended Complaint was in whole or in part for protected conduct, but the same discipline would have been imposed even in the absence of protected conduct, and was based on legitimate business reasons and not discriminatory or retaliatory animus.

**WHEREFORE**, Respondents respectfully request the following relief:

1. Judgment be entered dismissing the Amended Complaint on the merits and with prejudice in its entirety; and
2. Directing such other relief as the Board deems just and equitable.

DATED: February 25, 2021

Respectfully submitted,  
PAUL HASTINGS LLP  
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By: \_\_\_\_\_



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GOOGLE, LLC and  
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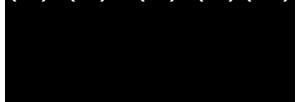
Charging Party.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of February, 2021, I electronically filed the foregoing **ANSWER TO AMENDED COMPLAINT** with the National Labor Relations Board using the agency's website (www.nlr.gov). I also certify that I have served said **ANSWER TO AMENDED COMPLAINT** via e-mail, where available, and U.S. Mail to the following party to this action:

**(b) (6), (b) (7)(C)**



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DATED: February 25, 2021

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